

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

JOSE PEREZ,

Plaintiff,

v.

JP MORGAN CHASE BANK NA, et al.,

Defendants.

No. C 12-0788 CW

ORDER ADOPTING
MAGISTRATE JUDGE'S
REPORT AND
RECOMMENDATION DENYING
PLAINTIFF'S
APPLICATION TO PROCEED
IN FORMA PAUPERIS

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Plaintiff Jose Perez files an application for leave to proceed in forma pauperis (IFP). Plaintiff's IFP application was assigned to a magistrate judge who determined that it was incomplete because Plaintiff merely listed the amount of his mortgage, not the monthly payments. On March 1, 2012, the magistrate judge issued an order for Plaintiff to submit additional financial information by March 9, 2012. Plaintiff failed to file any additional information. On March 14, 2012, the magistrate judge issued an order to show cause for Plaintiff to submit, no later than March 26, 2012, the requested information and a declaration explaining why he did not respond to the Court's March 1, 2012 order. In the order to show cause, the magistrate judge stated that Plaintiff's "failure to respond will result in the denial of his application to proceed in forma pauperis." Plaintiff failed to respond to the order to show cause.

On April 10, 2012, the magistrate judge wrote a report and recommendation that Plaintiff's IFP application be denied without prejudice because the information he supplied was insufficient to

1 evaluate how much he owes on his mortgage and because he failed to
2 file a response to the order requiring supplemental information or
3 to the order to show cause. On April 11, 2012, the case was
4 reassigned to the undersigned district judge.

5 The Court has reviewed the magistrate judge's order and finds
6 that it is well-reasoned and correctly decided. Therefore, the
7 Court adopts the report and recommendation of the magistrate judge
8 and denies without prejudice Plaintiff's motion for leave to
9 proceed IFP. If Plaintiff re-files his IFP application, he must
10 submit, within seven days from the date of this order, the
11 information required by the magistrate judge. Alternatively,
12 Plaintiff may re-file his complaint with the filing fee. If
13 Plaintiff re-files it as a paid complaint, the filing fee of
14 \$350.00 must be paid no later than seven days from the date of
15 this order. Failure to take either action will result in the
16 dismissal of the complaint without prejudice.

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18 IT IS SO ORDERED.

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20 Dated: 5/10/2012

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CLAUDIA WILKEN
United States District Judge